

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ROGER PIERCE

*Plaintiff,*

v.

LIEUTENANT WILLIAMS, et al.,

*Defendants.*

Case No. 2:22-cv-12767

District Judge  
Gershwin A. Drain

Magistrate Judge  
Elizabeth A. Stafford

**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION [#39] AND GRANTING  
DEFENDANTS' MOTION TO DISMISS [#19]**

Roger Pierce (“Plaintiff”), an inmate at Washtenaw County Jail, initiated this 42 U.S.C. § 1983 action under the Eighth and Fourteenth Amendments on November 15, 2022. ECF No. 1. He alleges that he has received numerous death threats from other inmates at the jail and that his concerns went ignored when he asked to be placed in protective custody. *Id.* at PageID.5–6. Plaintiff asserts that this disregard is an unconstitutional failure to protect him from harm. He further claims that his treatment resulted from unlawful discrimination not faced by other similarly situated inmates. *Id.* at PageID.7; ECF No. 22, PageID.310.

Before the Court is a Motion to Dismiss filed by Defendants Lieutenant Williams, Sergeant Burlerson, Officer Smolinski, Captain Clifton, Officer McKay, and Sergeant Dea (“Defendants”). ECF No. 19. Defendants argue that Plaintiff fails

to state a claim because he has not shown that any of the Defendants were personally responsible for his alleged harm or that they were deliberately indifferent toward his constitutional rights. *Id.* at PageID.232.

The Court referred this matter to Magistrate Judge Elizabeth A. Stafford on May 8, 2023. ECF No. 20. Judge Stafford recommends granting Defendants' Motion and dismissing Plaintiff's claims. ECF No. 39. Plaintiff has not objected to the Report and Recommendation, and the time to do so has passed. Fed. R. Civ. P. 72(b)(2).

Upon review of the parties' briefing, the record, and the Report and Recommendation, the Court determines that Judge Stafford reached the correct conclusion. Accordingly, the Court **ACCEPTS AND ADOPTS** Judge Stafford's November 17, 2023 Report and Recommendation as this Court's findings of fact and conclusions of law. Defendants' Motion to Dismiss is hereby **GRANTED** and Plaintiff's action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Dated: December 11, 2023

/s/ Gershwin A. Drain  
GERSHWIN A. DRAIN  
U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
December 11, 2023, by electronic and/or ordinary mail.

/s/ Teresa McGovern

Case Manager